

## In The Claims

1. (currently amended) A compartmentalized storage system for temporarily storing and subsequently mixing at least two different substances comprising:

(a) a first storing compartment having a front and a back and a plurality of sides, defining a first cavity portion, and a tearable seal, wherein a solid sorbing substrate and a first substance are stored in the first storing compartment; and

(b) a second storing compartment having a front and a back and a plurality of sides, defining a second cavity portion, wherein a second substance is stored in the second storing compartment;

wherein the first and the second compartments are attached to each other by at least one common side, which common side comprises a frangible seal connecting the first and the second compartments, wherein the tearable seal and the frangible seal are located adjacent to each other such that pressure to open the tearable seal will break the frangible seal ~~whereby upon by applying force to the frangible seal, the seal will break~~ and thereby allow the second substance in the second storing compartment to be mixed with the solid sorbing substrate and the first substance in the first storing compartment.

2. (original) The compartmentalized storage system according to claim 1, wherein the storage system is flexible.

3. (original) The compartmentalized storage system according to claim 2, wherein the first and second storing compartments are substantially rectangular.

4. (original) The compartmentalized storage system according to claim 1, wherein the first and the second compartments are attached to each other by one common side.

5. (original) The compartmentalized storage system according to claim 1, wherein the first and the second compartments are attached to each other by two common sides.

6. (original) The compartmentalized storage system according to claim 1, wherein the first and the second compartments are attached to each other by more than two common sides.

7. (original) The compartmentalized storage system according to claim 1, wherein the first substance is liquid.

8. (original) The compartmentalized storage system according to claim 1, wherein the first substance is solid.

9. (original) The compartmentalized storage system according to claim 1, wherein the second substance is liquid.

10. (original) The compartmentalized storage system according to claim 1, wherein the second substance is gaseous.

11. (original) The compartmentalized storage system according to claim 1, wherein the first and second substances are substantially non-compatible.

12. (original) The compartmentalized storage system according to claim 11, wherein the first and second substances are substantially non-compatible such that mixing the substances causes an exothermic or endothermic reaction.

13. (original) The compartmentalized storage system according to claim 11, wherein the first and second substances are substantially non-compatible such that mixing the substances causes a foaming reaction.

14. (original) The compartmentalized storage system according to claim 11, wherein the first and second substances are substantially non-compatible such that mixing the substances causes a color changing reaction.

15. (original) The compartmentalized storage system according to claim 11, wherein the first and second substances are substantially non-compatible such that mixing the substances causes a fragrance changing reaction.

16. (original) The compartmentalized storage system according to claim 11, wherein one of the first or second substances is a fragrance and the other of the first or second substances is a bleach.

17. (canceled)

18. (canceled)

19. (original) The compartmentalized storage system according to claim 1, wherein the solid sorbing substrate is a wipe.

20. (withdrawn) A compartmentalized storage system for temporarily storing and subsequently mixing at least two different edible substances comprising:

(a) a first storing compartment having a front and a back, a plurality of sides, defining a first cavity portion, wherein a first edible substance is stored in the first storing compartment; and

(b) a second storing compartment having a front and a back and a plurality of sides, defining a second cavity portion, wherein a second edible substance is stored in the second storing compartment;

wherein the first and the second compartments are attached to each other by at least one common side, which common side comprises a frangible seal connecting the first and the second compartments, whereby upon by applying force to the frangible seal, the seal will break and thereby allow the second edible substance in the second storing compartment to be mixed with the first edible substance in the first storing compartment.

21. (withdrawn) The compartmentalized storage system according to claim 19, wherein the first and second edible substances are both liquid.

22. (withdrawn) The compartmentalized storage system according to claim 19, wherein the first edible substance is solid and the second edible substance is liquid.

23. (withdrawn) The compartmentalized storage system according to claim 19, wherein the first edible substance is liquid or solid and the second edible substance is gaseous.

24. (withdrawn) The compartmentalized storage system according to claim 19, wherein the first and second edible substances are substantially non-compatible.

25. (withdrawn) The compartmentalized storage system according to claim 24, wherein the first and second edible substances are substantially non-compatible such that mixing the edible substances causes an exothermic or endothermic reaction.

26. (withdrawn) The compartmentalized storage system according to claim 24, wherein the first and second substances are substantially non-compatible such that mixing the substances causes a foaming reaction.

27. (withdrawn) The compartmentalized storage system according to claim 24, wherein the first and second substances are substantially non-compatible such that mixing the substances causes a color changing reaction.

28. (withdrawn) The compartmentalized storage system according to claim 24, wherein the first and second substances are substantially non-compatible such that mixing the substances causes a fragrance or flavor changing reaction.

29. (withdrawn) The compartmentalized storage system according to claim 24, wherein the first edible substance is an oil phase and the second edible substances is an aqueous phase.

30. (withdrawn) The compartmentalized storage system according to claim 24, wherein the first edible substance is milk and the second edible substances is dry cereal.

31. (withdrawn) The compartmentalized storage system according to claim 19, further comprising a tearable seal in the first storing compartment.

32. (withdrawn) The compartmentalized storage system according to claim 31, wherein the tearable seal and the frangible seal are located adjacent to each other such that pressure to open the tearable seal will break the frangible seal.

33. (currently amended) A method for using a compartmentalized storage system to temporarily store and subsequently mix at least two different substances comprising the steps of:

(A) providing a compartmentalized storage system comprising:

(a) a first storing compartment having a front and a back, a plurality of sides, defining a first cavity portion, and a tearable seal, wherein a solid sorbing substrate and a first substance are stored in the first storing compartment; and

(b) a second storing compartment having a front and a back and a plurality of sides, defining a second cavity portion, wherein a second substance is stored in the second storing compartment;

wherein the first and the second compartments are attached to each other by at least one common side, which common side comprises a frangible seal connecting the first and the second compartments, wherein the tearable seal and the frangible seal are located adjacent to each other such that pressure to open the tearable seal will break the frangible seal ~~whereby upon by applying force to the frangible seal, the seal will break~~ and thereby allow the second substance in the second storing compartment to be mixed with the solid sorbing substrate and the first substance in the first storing compartment;

(B) applying force to the tearable ~~frangible~~ seal to break the seal and thereby allow the second substance in the second storing compartment to be mixed with the solid sorbing substrate and the first substance in the first storing compartment; and

~~(C) applying force to the tearable seal to break the seal; and~~

~~(C)~~ removing the solid sorbing substrate, mixed with the first substance and the second substance, through the broken tearable seal in the first storing compartment.

34. (canceled)

35. (withdrawn) A method for using a compartmentalized storage system to temporarily store and subsequently mix at least two different edible substances comprising the steps of:

(A) providing a compartmentalized storage system for temporarily storing and subsequently mixing at least two different edible substances comprising:

(a) a first storing compartment having a front and a back, a plurality of sides, defining a first cavity portion, wherein a first edible substance is stored in the first storing compartment; and

(b) a second storing compartment having a front and a back and a plurality of sides, defining a second cavity portion, wherein a second edible substance is stored in the second storing compartment;

wherein the first and the second compartments are attached to each other by at least one common side, which common side comprises a frangible seal connecting the first and the second compartments, whereby upon by applying force to the frangible seal, the seal will break and thereby allow the second edible substance in the second storing compartment to be mixed with the first edible substance in the first storing compartment;

(B) applying force to the frangible seal to break the seal and thereby allow the second edible substance in the second storing compartment to be mixed with the first edible substance in the first storing compartment;

(C) applying force to the tearable seal to break the seal; and

(D) removing the first edible substance mixed with the second edible substance through the broken tearable seal in the first storing compartment.

36. (withdrawn) The method according to claim 35, further comprising a tearable seal in the first storing compartment.

## **RESPONSE**

Claims 1-16, 19-33, 35, and 36 are pending in the subject application. Claims 1-16, 19-33, 35, and 36 were subjected to a new restriction requirement. Applicant has amended independent claims 1 and 33, has canceled claims 17, 18, and 34, and has not added any claims. Accordingly, claims 1-16, 19-33, 35, and 36 are presently being examined.

Applicant requests that the Examiner consider the following Amendment and Response and pass the above-identified application to issue.

### **Support for the Amendments**

Applicant has amended independent claims 1 and 33 in order more particularly point out and distinctly claim the subject matter of applicant's compartmentalized storage system for temporarily storing and subsequently mixing at least two different substances. Specifically, applicant has canceled claims 17 and 18 and has incorporated the subject matter therein into independent claim 1, and the claims dependent thereon. Claim 1 now recites that the first storing compartment comprises "a tearable seal" and "the tearable seal and the frangible seal are located adjacent to each other such that pressure to open the tearable seal will break the frangible seal". Applicant has similarly canceled claim 34 and incorporated the subject matter therein into independent claim 33.

Specifically, the present amendments were recited in applicants' Amendment dated 21 January 2004. These amendments to the specification are fully supported in the specification as originally filed and thus no new matter is introduced by these amendments in accordance with 35 U.S.C. Section 132. Accordingly, applicant requests entry of these amendments.

### **Election/Restriction**

In the Office Action dated 22 March 2004, the Examiner states that applicant's response concerning the restriction previously issued has been considered and the Examiner has issued a new restriction based on an election of species. The Examiner further states that applicant should also submit any appropriate response if necessary with respect to the election or the elected species such as comments or amendments.

The Examiner has restricted the claims in this application to the following groups:

Species I: The storage system as shown in Figures 1-2.

Species II: The storage system as shown in Figure 3.

The Examiner states that applicant is required under 35 U.S.C. Section 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. The Examiner advises that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. Section 1.141.

Applicants elect to prosecute the claims of Species II, the storage system shown in Figure 3, which are recited in amended claims 1-16, 19, and 33. Applicants traverse the Examiner's restriction requirements. Figure 3 is described in detail on page 17 of applicants' specification and is described in applicants' specification as follows:

Figure 3 shows another preferred embodiment of a compartmentalized storage system to temporarily store and subsequently mix at least two different edible substances in accord with the present invention. In this embodiment, the tearable seal and the frangible seal are located adjacent to each other such that pressure to open the tearable seal will break the frangible seal. Applicants' specification at page 9, lines 30-34.

Applicants' invention, as defined in amended claims 1-16 and 19, provides a compartmentalized storage system for temporarily storing and subsequently mixing at least two different substances. The system comprises (a) a first storing compartment having a front and a back and a plurality of sides, defining a first cavity portion, and a tearable seal, wherein a solid sorbing substrate and a first substance are stored in the first storing compartment; and (b) a second storing compartment having a front and a back and a plurality of sides, defining a second cavity portion, wherein a second substance is stored in the second storing compartment. The first and the second compartments are attached to each other by at least one common side, which common

side comprises a frangible seal connecting the first and the second compartments. The tearable seal and the frangible seal are located adjacent to each other such that pressure to open the tearable seal will break the frangible seal and thereby allow the second substance in the second storing compartment to be mixed with the solid sorbing substrate and the first substance in the first storing compartment.

Applicants' invention, as defined in claim 33, provides a method for using a compartmentalized storage system to temporarily store and subsequently mix at least two different substances. The method comprises the steps of (A) providing a compartmentalized storage system comprising (a) a first storing compartment having a front and a back, a plurality of sides, defining a first cavity portion, and a tearable seal, wherein a solid sorbing substrate and a first substance are stored in the first storing compartment; and (b) a second storing compartment having a front and a back and a plurality of sides, defining a second cavity portion, wherein a second substance is stored in the second storing compartment. The first and the second compartments are attached to each other by at least one common side, which common side comprises a frangible seal connecting the first and the second compartments. The tearable seal and the frangible seal are located adjacent to each other such that pressure to open the tearable seal will break the frangible seal and thereby allow the second substance in the second storing compartment to be mixed with the solid sorbing substrate and the first substance in the first storing compartment. The method further comprises (B) applying force to the tearable seal to break the seal and thereby allow the second substance in the second storing compartment to be mixed with the solid sorbing substrate and the first substance in the first storing compartment; and (C) removing the solid sorbing substrate, mixed with the first substance and the second substance, through the broken tearable seal in the first storing compartment.

As set out above, applicants have canceled claims 17 and 18 and have incorporated the subject matter therein into independent claim 1, and the claims dependent thereon. Claim 1 now recites that the first storing compartment comprises "a tearable seal" and "the tearable seal and the frangible seal are located adjacent to each other such that pressure to open the tearable seal will break the frangible seal". Applicants have similarly canceled claim 34 and incorporated the subject matter therein into independent claim 33.



**Applicants' Claims are not Anticipated under 35 U.S.C. Section 102(b) by *Kasianovitz et al.***

United States patent no. 5,616,337 (*Kasianovitz et al.*) discloses a unit dose package comprising a web having two compartments separated by a frangible seal. A liquid is contained within the first compartment and an applicator is contained within the second compartment separate from the web.

As set out above, applicants have canceled claims 17 and 18 and incorporated the subject matter therein into independent claim 1, and the claims dependent thereon. Claim 1 now recites that the first storing compartment comprises "a tearable seal" and "the tearable seal and the frangible seal are located adjacent to each other such that pressure to open the tearable seal will break the frangible seal". Applicant has similarly canceled claim 34 and incorporated the subject matter therein into independent claim 33. *Kasianovitz et al.* does not teach a tearable seal in the first storing compartment such that the tearable seal and the frangible seal are located adjacent to each other such that pressure to open the tearable seal will break the frangible seal.

Hence, applicants claims are not anticipated by *Kasianovitz et al.*

**Applicants' Claims are not Obvious under 35 U.S.C. Section 103(a) over *Kasianovitz et al.* in view of *Stupar et al.***

United States patent no. 5,353,927 (*Stupar et al.*) discloses a plural compartment package for mixing materials. The package comprises a first sheet of packaging material and a second sheet of packaging material overlapping the first sheet of packaging material. The first and second sheets of packaging material are joined together such that an area is defined there between. A third sheet of packaging material is located between and joined to the first and second sheets of packaging material such that a first compartment for holding a first material is defined between the third sheet of packaging material and the first sheet of packaging material. A second compartment for holding a second material is defined between the second and third sheets of packaging material. The third sheet of packaging material has a weakened area which is rupturable upon the application of pressure for enabling the first and second materials to mix together. A non-porous, rupturable cap means is secured to the third sheet of packaging material and overlays the weakened area of the third sheet of packaging material for preventing discharge of the first material from the first compartment until the application of the pressure ruptures both the weakened area of the third sheet of


packaging material and the cap means whereby the first material is discharged from the first compartment into the second compartment for mixing with the second material.

As set out above, applicants have canceled claims 17 and 18 and incorporated the subject matter therein into independent claim 1, and the claims dependent thereon. Claim 1 now recites that the first storing compartment comprises "a tearable seal" and "the tearable seal and the frangible seal are located adjacent to each other such that pressure to open the tearable seal will break the frangible seal". Applicant has similarly canceled claim 34 and incorporated the subject matter therein into independent claim 33. Neither *Kasianovitz et al.* nor *Stupar et al.* teach a tearable seal in the first storing compartment.

The provisions of Section 103 must be followed realistically to develop the factual background against which the Section 103 determination must be made. It is not proper within the framework of Section 103 to pick and choose from any one reference only so much of it as will support a given position to the exclusion of other parts necessary for the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The references of record fail to teach or suggest applicant's invention as a whole.

In view of the foregoing Amendment and Response, applicants request reconsideration pursuant to 37 C.F.R. Section 112 and allowance of the claims pending in this application. Applicant requests the Examiner to telephone the undersigned attorney should the Examiner have any questions or comments which might be most expeditiously handled by a telephone conference. No fee is deemed necessary in connection with the filing of this Amendment and Response. If any fee is required, however, authorization is hereby given to charge the amount of such fee to Deposit Account No. 13-4822.

Respectfully submitted,

By   
RICHARD R. MUCCINO  
Attorney For Applicant(s)  
Registration Number 32,538

Direct communications to:  
Richard R. Muccino  
758 Springfield Avenue  
Summit, New Jersey 07901  
tel. (908) 273-4988  
fax (908) 273-4679